

Message Text

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ACTION DLOS-06

INFO OCT-01 AF-10 EUR-25 EA-11 ISO-00 CG-00 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SPC-03 SS-20 USIA-15 CEQ-02 COA-02

COME-00 EB-11 EPA-04 IO-14 NSF-04 SCI-06 FEA-02

ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00

OMB-01 TRSE-00 OIC-04 DRC-01 /240 W

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R 271030Z MAR 74

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 1495

INFO AMEMBASSY BANGKOK

AMEMBASSY CANBERRA

AMEMBASSY KUALA LUMPUR

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY MANILA

AMEMBASSY PARIS

AMEMBASSY PORT LOUIS

AMEMBASSY SINGAPORE

AMEMBASSY SUVA

AMEMBASSY TOKYO

USUN NEW YORK 718

S E C R E T JAKARTA 3781

USUN PLEASE PASS AMBASSADOR STEVENSON

E.O. 11652: GDS

TAGS: PBOR, ID

SUBJECT: LOS: BILATERAL DISCUSSIONS WITH INDONESIA

ON STRAITS AND ARCHIPELAGO PRINCIPLE -

CLOSING SESSION AFTERNOON MARCH 26

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1. MOORE SUMMARIZED PROPOSALS AND CONCLUSIONS AFTER EXPRESSING APPRECIATION FOR FRANK AND USEFUL EXCHANGE.

2. MAIN POINTS OF MEETING'S UNDERSTANDINGS WERE RECAPPED AS FOLLOWS:

(A) BEST FORUM FOR ACHIEVEMENT MUTUAL GOALS IS COMPREHENSIVE LOS TREATY GIVING LEGAL AFFIRMATION ARCHIPELAGIC PRINCIPLE AND LEGAL PROTECTION FOR VITAL NAVIGATION INTERESTS OF MARITIME STATES.

B) TIMING OF CARACAS MAKES EARLY AGREEMENT ESSENTIAL, SINCE CARACAS MAY REACH AGREEMENT ON ALL MAJOR ISSUES. IF POSSIBLE, TREATY TEXTS SHOULD BE AGREED UPON BEFORE CARACAS.

C) MAJOR SUBSTANTIVE ELEMENTS UNDERSTANDING ARE:

(1) US SUPPORT FOR ARCHIPELAGIC PRINCIPLE AS UNIVERSALLY-ACCEPTED LEGAL CONCEPT IF THE FOLLOWING POINTS ALSO AGREED.

(2) TO ACCOMMODATE US INTERESTS, REASONABLE LIMITATION OF ARCHIPELAGIC PRINCIPLE TO ISLAND STATES WITH OBJECTIVE CRITERIA. FULL PROTECTION OF TRANSIT THROUGH AND OVER THE ARCHIPELAGO WITH GUARANTEES FOR BOTH TRANSITING AND ARCHIPELAGIC STATES AND UNIMPEDED PASSAGE OF STRAITS USED FOR INTERNATIONAL NAVIGATION.

3. MOORE THEN SOUGHT COMMENTS ON FOLLOWING:

A) NEED TO MAKE CONFIDENTIAL REPORT WITH RECOMMENDATIONS TO OWN GOVERNMENTS BASED ON MEETINGS.

B) UNDERSTANDING SHOWN BY BOTH SIDES ON SUBSTANTIVE NEEDS AND VITAL INTERESTS OF OTHER SIDE, I.E., ACCEPTANCE OF ARCHIPELAGIC PRINCIPLE AS UNIVERSALLY ACCEPTED LEGAL PRINCIPLE, AND US NEED FOR UNIMPEDED TRANSIT
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THROUGH AND OVER ARCHIPELAGO AND STRAITS.

C) UNDERSTANDING BY BOTH TEAMS OF DESIRABILITY OF AGREEMENT BEFORE CARACAS TO PROMOTE MUTUAL INTERESTS.

D) NEED TO FOCUS ON THE PRINCIPAL POINTS OF DEFINITION OF ARCHIPELAGIC STATE, KIND OF REGIME APPLICABLE IN ARCHIPELAGIC WATERS, AND REGIME OF TRANSIT OF STRAITS.

E) NEED TO DISCUSS DEFINITIONS AND LIMITATIONS WITH OTHER STATES, INDONESIAN SIDE WITH OTHER ARCHIPELAGIC STATES, US SIDE WITH MARITIME STATES, TO BROADEN BASE OF OUR MUTUAL UNDERSTANDING.

F) NEED TO MEET AGAIN PRIOR TO CARACAS TO PREPARE ARTICLES OR PROPOSALS.

4. SUDARMONO REPLIED THAT HIS SIDE WAS THINKING ALONG PARALLEL LINES; HE AGREED AS TO THE THREE MAIN PROBLEMS AND THE PRINCIPAL STEPS TO BE TAKEN. HE RECOGNIZED GREAT UNDERSTANDING GIVEN BY US TO INDONESIA'S INTEREST AND DECLARED HIS SIDE SOUGHT TO RECIPROCATE. IT WOULD BE UP TO OUR GOVERNMENTS TO DECIDE WHETHER THE STEPS WOULD BE TAKEN AFTER THEY HAD REVIEWED RECOMMENDATIONS. AS TO FUTURE CONSULTATIONS INDONESIANS WOULD NEED TO CONFER WITH THE OTHER THREE STATES CO-SPONSORING DRAFT ARCHIPELAGIC ARTICLES, AS INDONESIANS COULD NOT ACT PRIOR CONSULTATIONS AND COULD NOT TELL HOW OTHERS WOULD RESPOND.

5. SUDARMONO THEN AFFIRMED STEPS TO BE TAKEN, I.E.,
A) A REPORT TO GOVERNMENTS WITH RECOMMENDATIONS TO BE THE BASIS OF TALKS WITH OTHER STATES;

B) EARLY CONSULTATIONS WITH OTHER STATES AND EXCHANGE OF OUTCOME INFORMATION AS SOON AS POSSIBLE;

C) ANOTHER MEETING WITH US TEAM PRIOR TO CARACAS IF POSSIBLE.

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6. SUDARMONO THEN COMMENTED THAT INDONESIAN SIDE FULLY UNDERSTOOD US CONCERN FOR TRANSIT AND HOPED WE UNDERSTOOD VITAL IMPORTANCE OF UNIVERSAL ACCEPTANCE OF ARCHIPELAGIC CONCEPT TO INDONESIANS. EACH SIDE WAS SEEKING GUARANTEES OF PROTECTION FOR THOSE INTERESTS. IN BRIEF, HE HAD NO COUNTER PROPOSAL TO AMEK AND HIS ONLY ACTION WAS TO AGREE WITH MOORE'S PROPOSALS.

7. DJAJADININGRAT THEN COMMENTED THAT INDONESIAN SIDE NOW BETTER UNDERSTOOD OUR CONCERNS AND RECOGNIZED IMPORTANCE OF REACHING AN ACCOMMODATION. HAPPILY COMMON GROUND HAD BEEN FOUND AND THERE WAS NOW GOOD POSSIBILITY OF SOLVING TRANSIT PROBLEM. THEY WOULD DISCUSS WITH OTHER ARCHIPELAGIC STATES AND MIGHT BE ABLE TO BRING THEM ALONG. NONETHELESS, SOME IMPORTANT

DIFFERENCES REMAINED, SUCH AS DEFINITIONS OF INTERNATIONAL STRAITS, AND INDONESIA HAD NOT YET AGREED THAT MALACCA WAS AN INTERNATIONAL STRAIT.

8. MOORE THEN EXPRESSED COMMON CONCERNS AS TO OUTCOME OF CONSULTATIONS WITH OTHER NATIONS AND URGED THAT AFTER CONSULTATIONS WE SEEK TO ESTABLISH AGREED TREATY

TEXTS BEFORE CARACAS. HE THEN PASSED OUT PAPER INTENDED TO ROUGHLY EXPRESS GUARANTEES COVERED IN ARCHIPELAGO PASSAGE. AT SUGGESTION OF MOORE, HODGSON NOTED THAT MAURITIUS ARCHPELAGIC INTERESTS COULD BE MET MORE LOGICALLY BY ECONOMIC BOUNDARY CRITERIA. HE EXPLAINED MAURITIUS COMPRISES THREE, SMALL DISTANT ISLAND GROUPS WHICH SURROUND MAJOR BANK AREAS. MAURITIUS HAS GRANTED CONCESSIONS TO TEXACO OVER THESE BANKS. SOLUTION TO JURISDICTIONAL PROBLEMS RELATES TO USE OF DEPTH CRITERION AND/OR STRAIGHT LINES CONNECTING DETACHED BANKS BASED UPON ORIGINAL US SEABED BOUNDARY PROPOSAL.

9. AMBASSADOR NEWSOM AND PROFESSOR MOORE EXPRESSED APPRECIATION FOR UNDERSTANDING, COOPERATION AND CONSIDERATION BY INDONESIAN SIDE. SUDARMONO CLOSED BY DECLARING THAT ALTHOUGH NOT ALL PROBLEMS WERE SOLVED, IN VIEW OF LARGE AND COMPLEX AREA OF CONCERN, SPIRIT
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OF UNDERSTANDING HAD BROUGHT A SUCCESSFUL CONCLUSION. HE HOPED US HAD FOUND WHAT IT WAS SEEKING AND DECLARED THAT FORTH
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